IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

RP.No. 716 of 2007(R)

AGAINST THE JUDGEMENT/ORDER IN WPC.20942/2007 Dated 09/07/2007

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REVIEW PETITIONER/RESPONDENT NO.3 IN WPC

KERALA STATE POLLUTION CONTROL BOARD,
REP. BY CHIEF ENVIRONMENTAL ENGINEER,
GANDHI NAGAR, ERNAKULAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS: PETITIONER/RESPONDENT NO.1 & 2 IN WPC

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1. P.A.JOSSY, S/O. ANTHAPPAN,
PALACKATHARA HOUSE, KATHRKADAVU, KALOOR,
KOCHI-17.

2. CORPORATION OF COCHIN, REP. BY
ITS SECRETARY, ERNAKULAM.

3. SECRETARY,
CORPORATION OF COCHIN, ERNAKULAM.

BY SRI. S. RAMESH BABU, SC, KOCHIN CORPORATION
ADV. SRI.C.A.CHACKO

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.K. BASHEER, J.

R.P. NO. 716 OF 2007
IN
W.P.(C) NO.20942 OF 2007

Dated this the 30th day of July, 2007

O R D E R

This review petition is filed by the Kerala State Pollution Control Board represented by its Chief Environmental Engineer, Ernakulam, who was respondent No.3 in the above writ petition.

2. The first ground urged in the review petition is that the above judgment is "inadequate to meet the ends of justice". It is beyond comprehension as to how or in what respect the judgment is inadequate. The writ petition was disposed of with a direction to the Corporation to hear the writ petitioner and take a decision in the matter since it was found that the Corporation had asked the petitioner to close down his establishment within 24 hours. Admittedly, petitioner was not given any opportunity to be heard.

3. Sri. Chandra Mohandas, learned counsel for the review petitioner submits that the Corporation had presumably issued a closure notice to the writ petitioner pursuant to Annexure 1 order issued by the Pollution Control Board to the Corporation. May be so.

This Court has not interdicted either with the Corporation or the Pollution Control Board from implementing its decision. The direction was only that petitioner be heard before the order of closure is implemented.

In the above view of the matter, I do not find any ground to review the judgment other than stating that this Court has not curtailed the right of either the Corporation or the Pollution Control Board to take appropriate action in the matter in accordance with law.

Therefore the review petition is closed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007